

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6348-CR-FERGUSON/SNOW

UNITED STATES OF AMERICA)
)
)
v.)
)
KENNY GARDNER,)
)
Defendant.)
_____)

FILED BY [Signature]
2005 APR 27 PM 3:13
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FBI - FTL

**GOVERNMENT'S MOTION FOR SENTENCE REDUCTION
PURSUANT TO RULE 35, FEDERAL RULES CRIMINAL PROCEDURE**

COMES NOW the United States of America, by and through its undersigned Assistant United States Attorney, and respectfully moves the Court for a reduction in sentence for Defendant Kenny Gardner, pursuant to Title 18, United States Code, Section 3553(e) and Federal Rule of Criminal Procedure 35, and in support thereof states as follows:

1. On June 21, 2001, in the Southern District of Florida, the defendant was charged by superseding indictment with five counts of possessing with the intent to distribute crack cocaine in violation of Title 21, United States Code, Section 841(a)(1). The charges spanned a time period from September 28, 2000 through October 10, 2000. The defendant pled guilty Count Four of the superseding indictment on March 1, 2002, and was sentenced to a 151 month term of imprisonment and a three year term of supervised release.

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[Signature]

2. Since entering into a guilty plea in this matter, the defendant assisted the government by providing significant information in a state homicide case and by testifying in the subsequent state trial. The defendant's testimony lead to the conviction of several persons involved in the homicide.

3. The government believes that the defendant has provided substantial assistance and that his sentence should be reduced to reflect the same pursuant to Title 18, United States Code, Section 3553(e) and Rule 35, FED. R. CRIM. P.

WHEREFORE, the government requests that the defendant's sentence be reduced by thirty-three (33) percent to forty (40) percent in light of his substantial assistance to law enforcement.

Respectfully submitted,

MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

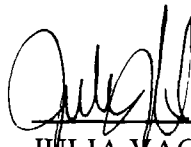
By:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by United States Mail
this 27 day of April, 2005, to: David Tarlow, Esq. 801 Brickell Avenue,
Suite 1901, Miami, FL 33131.

A handwritten signature in black ink, appearing to read 'Julia Vaglianti', is written over a horizontal line.

JULIA VAGLIANTI
Assistant United States Attorney